

The Carlshad Current

TWENTY-THIRD YEAR.

CARLSBAD, NEW MEXICO, FRIDAY, OCTOBER 8, 1915.

NUMBER 48.

JURY ACQITS MILLER

ONLY TWO BALLOTS NECESSARY TO FIND DEFENDANT "NOT GUILTY"—JURY OUT FIFTY-THREE MINUTES, BUT ALL WERE OF ONE MIND FROM MOMENT EVIDENCE WAS IN.

SCOTT PUTS UP GAME FIGHT

JUDGE GATEWOOD TALKS FOR FOUR AND A HALF HOURS, WHILE THE TALKS WERE INTERESTING, MANY THINK WIND WORK SHOULD BE LIMITED TO HALF AN HOUR.

After eight months, lacking only five days, close confinement in the Eddy county jail, Felix Miller walked out of the Court house last Saturday night at ten o'clock a free man, the jury having reached its verdict, after hearing the evidence, that he did not murder Charles M. Acree, but, instead only kept Acree from murdering him. The absurdity of the Mexican's testimony that a conversation can be heard nearly a quarter of a mile, did the work of acquittal, as no man on the jury could be made to believe that such a story had a grain of truth in it. The names of the jury are given again that those who failed to read the copy of Sept. 24, will have them: H. E. Kobb, Carlshad, foreman; Wilbur Atkinson, Artesia; D. M. Everett, Dayton; V. G. Dittmore, Knowles; Tom Bingham, Alamogordo; Joe Andrews, Carlshad; Clyde Egert, Malaga; G. G. Chance, Alamogordo; W. D. Bayles, Otis; Peter Lowenbruck, Carlshad; Chas. Gerlach, Malaga; Roy Hepler, Loving.

As will be noted the jury was from all portions of the county, except the mountains and Hopewell. The jurors were a unit in discarding the evidence of Valdez, and, strange to say, the talks of the lawyers, had no effect whatever on the minds of the jurors, as all state they had made up their minds as soon as the testimony had been given. Friday, last, was spent by the court principally in listening to arguments as to the admissibility of the evidence of the physicians who were witnesses for the defense and who had under instructions of the attorneys for the defense exhumed the body of Charles M. Acree for the purpose of examining same as had the physicians who were witnesses for the state. The attorneys for the state objected to the physicians who were defense witnesses testifying, the objections and the arguments before the court, during which time the jury was excluded, consumed many hours and dragged along until noon and after all the quarreling and wind jamming the court finally ruled that the physicians be allowed to testify. Dr. Lackey was placed upon the stand after the noon hour and testified that the bullet that entered the abdomen of the deceased C. M. Acree passed through the body in an upward oblique course and emerged from the back under the shoulder blade. As the physicians for the prosecution had testified that the bullet ranged down and finally lodged in the left thigh the testimony of the physicians was very contradictory. Dr. Black's testimony corroborated that of Dr. Lackey.

After the testimony of the physicians, the prosecution placed Roy S. Waller and M. C. Stewart on the stand to testify concerning the tracks of the horse that Acree rode when he was killed. Their testimony was to the effect that Acree turned his horse apparently to avoid the men, Felix and Lone Miller, who he must have noticed according to the tracks while waiting for him to come along. The defense rested their case and court adjourned at about four o'clock and the court commenced to prepare its instructions to the jury. Court convened at seven and forty minutes were consumed in reading the instructions to the jury by the judge. The instructions were very concise and fair to both the state and defense.

L. O. Fuller for the prosecution, immediately took the floor to address the jury and consumed one hour and fifteen minutes. Mr. Fuller surprised his friends with theologic and close analysis of the case, making some very telling points all of which we would like very much to reproduce but space forbids. Court adjourned for the night immediately after Mr. Fuller finished.

Saturday morning Judge W. W. Gatewood commenced to address the jury for the defense and talked until noon and after dinner he continued for another hour, in all talking for four and a half hours. The jury, of which every member had his mind made up, listened with marked attention, considering the fact that the jury had been confined for nearly two weeks. Judge Gatewood was very interesting and made the case very clear especially in his analysis of the evidence and his way of disposing of the witnesses for the prosecution each in turn being "laid on the shelf" with neatness and dispatch. He was followed by Capt. E. F. Bujac, who took up the testimony of each witness for the prosecution and after analyzing it in a philosophical way, had no trouble in convincing his hearers. Both jury and audience, that all the most important testimony of the prosecution was worthless. The captain did not endeavor to indulge in any flights of oratory and made an excellent impression on the jury.

The case for the state was then wound up in one of the greatest efforts of his life by the prosecuting attorney and had it not been for the

weak evidence he would certainly have got then a verdict of guilty, from that jury, for all of the jurors admired the plucky little prosecutor. He appealed to every sentiment holding for law and order and showed that the crime of murder was greater here than elsewhere and is on the increase because of the maudlin sentimentality for the murderer. Mr. Scott talked until about nine o'clock and the jury retired for its deliberations returning in fifty three minutes with a verdict. When the jury came in Judge Richardson asked: "Gentlemen, have you reached a verdict?" Mr. Henry Robb the foreman, arose and said: "Yes." The verdict was then handed to the judge who handed it to the clerk who read: "We, the jury in the case of the state of New Mexico against Felix Miller find the defendant not guilty." The judge looked at the jury for a minute and then said: "Gentlemen you are discharged, please pass out the side door."

The counsel for the defense, Major Bujac, grabbed the hand of the defendant and Mr. Miller embraced his wife who had been a silent sufferer for many months. Many members of the jury were interviewed by this paper and all agreed that the evidence of the Mexican, Valdez, was not for a moment considered on account of the absolute impossibility of distinguishing words at a distance of 380 steps or about 1,200 feet. In fact, if such a thing were possible, the prosecution should have shown it by conveying the jury out to the place and allowing some of the members to stand at the spot where the killing took place, to show that the evidence of the Mexican might be true. That the Mexican's testimony was false was also proven by two other Mexicans whose testimony was unimpeached. The testimony of those who swore that deceased had stated he would kill Miller not being impeached the jury took it as true. The jury also believed the testimony of the defendant for it was not shaken on cross examination and coincided with the testimony of Lone Miller, read to the jury.

When the jury retired the foreman was elected which consumed some time after which ballots were distributed and the first ballot stood ten for acquittal and two for guilty. Then one of the jurors who had voted for guilty stated he intended to vote for acquittal but made an error in writing guilty instead of not guilty and the other stated he only cast the ballot for guilty as a trial or commencement ballot, believing the defendant not guilty. The next ballot showed all the jury of one mind. In fact all who were interviewed stated that from the time the evidence was in there was not a shadow of a doubt as to the innocence of the defendant. The verdict seems to meet with popular approval as it was well known the men were very bitter enemies and sooner or later one or the other would be killed.

EARTH SHOCKS SEVERE AT MANY DISTANT POINTS.

San Francisco, Oct. 3.—A series of earthquakes believed to have originated in the "Wasatch fault" underling the Wasatch mountains in Utah, was experienced yesterday, culminating in severe shocks at 10:56 p. m., that were felt in Utah, Nevada, the northern part of California, Oregon and Idaho. So violent were the tremors in Nevada that railroad water tanks along the Southern Pacific were thrown down and various other minor damage caused.

At Baker, Ore., and at Sacramento and Fresno, Cal., buildings swayed and residents rushed into the streets, many in their night clothes.

The disturbances began in the afternoon, reaching as far north as Victoria, B. C.

In San Francisco the shocks were barely perceptible.

THE FIRST KILLING FROST VISITS THE MIDDLE WEST.

Kansas City, Oct. 5.—The first general frost of the season prevailed last night over western Illinois, Iowa, Nebraska, northern and western Missouri, Kansas, Oklahoma, and the Texas panhandle, according to reports received today by the local weather bureau. In the affected district a fall of approximately 20 degrees in temperature since Sunday also was noted.

The bureau described the frost in Iowa, Nebraska and Kansas as "heavy to killing." In other areas it was less severe.

FIRST FROST COMES WEST AS FAR AS PANHANDLE.

Kansas City, Mo., Oct. 5.—The first general frost of the season prevailed Monday night over western Illinois, Iowa, Nebraska, northern and western Missouri, Kansas, Oklahoma, and the Texas panhandle, according to reports received today by the local weather bureau. In the affected district a fall in temperature since Sunday also was noted.

The bureau described the frost in Iowa, Nebraska and Kansas as "heavy to killing." In other areas it ranged from light to heavy.

Dolph Lusk was reported on the sick list Wednesday, but was up and around yesterday.

Christian & Co., Insurance.

Denver, Oct. 4.—The dismissal of most of the criminal cases growing out of the disorders in the coal miners' strike of 1913-14 is imminent, according to reports from sources close to the state administration.

HENRY SCOTT PEEK DEAD.

Mr. Henry Scott Peek was a resident of Carlshad for a number of months and made a host of friends in the east side of town where he resided. He especially enjoyed seeing the children and often smiled at their constant chatter and joined them in their games. We regret that we overlooked mentioning it last week, he having died at his home near Palmira, Ill. September 22nd, 1915. He was a splendid young man of 22 years of age. He and his mother returned to Illinois in May. The Current joins their many friends here in condolences.

BULGARIA OPENS HER PART IN WAR WITH AT-TACK ON GREECE.

Greek Ships Said to Have Been Pursued and Fired Upon Today by Bulgarian War Vessels.

NO ANSWER YET TO RUSSIAN ULTIMATUM.

Clear From Today's Report That Exhausting Infantry Operations on West Front Have Yielded to Artillery.

Berlin, Oct. 5. (via London, 6:30 p. m.)—A dispatch from Sofia, dated October 4, to the Zeitung am Mittag, says: "Premier Radoslavoff of Bulgaria today made the following declaration to representatives of the government parties: "We confront war and must defend our national interests. We must wrest from our enemies everything they took from us two years ago and get satisfaction for every insult."

Not all of us can understand finance. That is why the bankers of this country are unwilling to loan money to the South American republics—countries almost totally undeveloped and whose resources are limitless, and yet are anxious to loan billions to the fighting nations of Europe whose capacities to pay are being exhausted every day; nor why our merchants are anxious to take the obligations of the traders of Europe fitted to government loans of five to ten years, while they are unwilling to extend credit to South America merchants for ninety days or six months.—Hope Press.

With the troops of the allies ready, however, with Russian squadrons in the Black sea ready to attack Bulgarian ports, and with Bulgarian forces along both the Serbian and Greek frontiers, there was believed to be little chance of any development which would prevent Bulgaria from aligning herself against the allies.

Special dispatches from Athens assert that Greek sailing ships already have been pursued by Bulgarian revenue cutters, the Greeks being fired upon but escaping.

Official messages reaching London from Athens say the Bulgarian authorities, immediately after the conclusion of the recent convention with Turkey, seized all Greeks and other Christians who had fled from the ranks of the Turkish army to take refuge in Bulgaria and delivered them to Turkish authorities. At the same time, according to these advices, large quantities of food and other supplies have been sent to Turkey from Bulgaria.

No official report has been issued concerning the landing of allied troops at Saloniki.

The loss of the Hohenzollern redoubt near La Bassée, as announced yesterday by Field Marshal French, was a keen disappointment to England. It is assumed the British troops, after the rush forward over a comparatively wide front, did not have sufficient time to consolidate this difficult position. The British commander's admission of the loss was tempered with the statement that German counter attacks had been beaten off along the remainder of the British front.

Military writers profess to see already the effects of the offensive in the west on operations over the eastern front. The Russians are holding the Germans before Dvinsk and apparently are giving little ground elsewhere.

ZAPATISTAS RENEW ATTACK ON MEXICO CITY.

Laredo, Tex., Oct. 5.—Zapatistas conducted an attack on Mexico City the morning of October 2, according to delayed advices reaching here today and were repulsed with a loss of 700 dead, including one general.

The Carranza losses were admitted to be two officers and eighteen soldiers.

ARCHBISHOP ASKS AID FOR ORPHANS.

Santa Fe, Sept. 27.—An appeal for funds for St. Anthony's Orphanage in Albuquerque was read in all the Roman Catholic churches in the archdiocese of Santa Fe at all the masses Sunday. The appeal is made by the Most Rev. Archbishop J. B. Pitaval, who calls attention to the fact that the orphanage cares for helpless children, regardless of their religion. The necessity for supporting such an institution is discussed by the archbishop who has ordered that collections in all Roman Catholic churches in the archdiocese be taken up at all masses next Sunday, October 3rd.

In commenting upon the appeal, the Rt. Rev. Monsignor Fourcheu, vicar general, spoke eloquently yesterday at the cathedral concerning the good work performed by the sisters who conduct the orphanage. He declared that the orphanage is strictly nonsectarian and should receive the support of every one who has a tender feeling for the little boy or girl left to the mercies of the world. He pleaded with Santa Feans to try to give at least 10 cents a month toward this charitable institution and suggested that the omission of one picture show a month might facilitate the saving of 10 cents every four weeks for the orphans.

"Be not too sure that your own property will continue indefinitely," continued the Monsignor, "and there is no telling what may happen to your little children should you be taken out of this world or suffer a stroke of misfortune."

THE TIME TO CHEAT THAT FALL COUGH AND COLD IS BEFORE IT BECOMES DEEP ROOTED.

NOW IS THE TIME—THE REMEDY IS

Penslar Cherry Cough Balsam

25 and 50 Cents per Bottle

WE HANDLE ALL THE OTHERS, BUT WE RECOMMEND THE ABOVE.

EDDY DRUG STORE

Not all of us can understand finance. That is why the bankers of this country are unwilling to loan money to the South American republics—countries almost totally undeveloped and whose resources are limitless, and yet are anxious to loan billions to the fighting nations of Europe whose capacities to pay are being exhausted every day; nor why our merchants are anxious to take the obligations of the traders of Europe fitted to government loans of five to ten years, while they are unwilling to extend credit to South America merchants for ninety days or six months.—Hope Press.

Christian & Co., INSURANCE.

WINNINGS FOR CARLSBAD POULTRY BREEDERS AT THE ROSWELL FAIR.

Rose Comb Rhode Island Red, Hart and fourth cockerels; first, second, third, fourth, and fifth pullet; first and third pen.

Dr. Ervin won with his Barred Rocks, first pullet; fourth hen; fourth pen; first on Bronze Turkey; sweepstake on best shaped female; four Barred Rock club ribbons.

F. G. Snow won, with Single Comb Black Orphingtons, first and second cockerel; first, second, third, fourth, and fifth pullet; first and second pen; best display in English class; three American Black Orphington club ribbons; first Buff Orphington cockerel; sweepstake for the best colored female in show.

LANSING EXPECTS TO MEET BOTH SIDES THIS WEEK.

Washington, Oct. 5.—Secretary Lansing said today he probably would confer with Eliseo Arredondo, General Carranza's agent here and that within the next two days he would see Enrique C. Lorente, Washington representative of General Villa.

As Mr. Arredondo is the authorized representative of Carranza here, Secretary Lansing probably will not discuss the situation with any other Carranza supporter. Mr. Arredondo has full instructions from General Carranza to explain his viewpoint and purposes.

With respect to the Villa faction, it is possible that Secretary Lansing will give audience to several leaders who are here, among them Manuel Honilla and Roque Gonzales Garza, former president of the so-called convention government.

COUNTY BOARD MEET

EDDY COUNTY APPLIES WIN AT DENVER.

In the press dispatches from the Denver exposition the following is copied:

J. B. Cecil of Artesia, N. M., won the medal and a blue ribbon for the best display of apples and, in addition, a special prize of 200 Gano budded trees from a famous nursery for the best fruit of Ganos in the whole show. Mr. Cecil won another prize of 100 trees of his own selection from another nursery for having the best ten plates of the most perfect apples in the exhibition.

The Denver Post printed a cut showing secretary Fraser and home demonstrator Graham in their gaily decorated booth and another shows former governor and Mrs. Slaton, of Georgia, in the El Paso booth, each holding up a number of the big pears.

RUSSIA'S NOTE ADMITS OF NO MISUNDERSTANDING

Petrograd, Oct. 3.—(via London, 9:30 p. m.)—The Russian minister has been ordered to leave Sofia unless within 24 hours the Bulgarian government openly breaks with Austria and Germany and sends away the Austrian and German military officers now in Bulgaria, according to the semi-official news agency.

The news agency gives the following note which the minister at Sofia has been ordered to hand to M. Radoslavoff, the Bulgarian minister.

"The events which are taking place in Bulgaria at this moment give evidence of a definite decision of King Ferdinand's government to place the fate of its country in the hands of Germany."

"The presence of German and Austrian officers at the ministry of war and on the staff of the army, the concentration of troops in the zone bordering Serbia, and the extensive financial support accepted from our enemies by the Sofia cabinet, no longer leave any doubt as to the object of the military preparations of Bulgaria."

"The powers of the entente who have at heart the realization of the aspirations of the Bulgarian people, have on many occasions, warned M. Radoslavoff that any hostile act against Serbia would be considered as directed against themselves. The assurances given by the head of the Bulgarian cabinet in reply to these warnings are contradicted by the facts."

"The representatives of Russia, which is bound to Bulgaria by the imperishable memory of her liberation from the Turkish yoke, cannot sanction by his presence preparations for fratricidal aggression against a Slav and allied people. The Russian minister therefore has received orders to leave Bulgaria with all the staffs of the legation and consulates, if the Bulgarian government does not within 24 hours openly break with the enemies of the Slav cause and of Russia, and does not at once proceed to send away officers belonging to armies of states which are at war with the powers of the entente."

A DEMOCRATIC VIEW.

In an interview last week with Hon Benigno Padilla, a leading democrat of this county, the question was asked: "Who will the democrats nominate for U. S. senator?"

"It is yet early to forecast this important matter," said Mr. Padilla, "but great care should be exercised to select a man who can be of the greatest benefit to New Mexico. One who not only knows our needs, but one who has the ability to attain those needs."

New Mexico has a man who is pre-eminently qualified for the place, a man who has already been greatly honored by President Wilson and in whom the President and his cabinet have implicit confidence. This man is none other than Hon. Felix Martinez, a native son of New Mexico. Mr. Martinez, by sheer force of character and almost miraculous native ability, has risen from a poor lad to one of the most eminent and successful men in the great southwest. So pronounced and distinguished were the abilities of Mr. Martinez that when President Wilson needed a big man to head the Pan-American trade committee to visit the nations of South America and to represent the United States in that important affair, Mr. Martinez was at once selected as the proper man. He discharged his duties as the head of this commission so satisfactorily that he was soon named as ambassador to Mexico, but on account of his interest in the welfare of New Mexico he declined the high office. New Mexico democracy owes it to our people of all races to name Hon. Felix Martinez as our next senator. Another reason also exists for his nomination. This reason may perhaps be called a political one, but, nevertheless, is an all-important one. That is, Felix Martinez would unite all discordant democratic factions and would easily defeat any man placed in nomination by the Republicans. If nominated he will be sure of election."—La Vos del Publica.

BIDS FOR NEW CHECKING SYSTEM FOR COUNTY CONSIDERED; WORK LET TO BYRON O. BEALL, OF ROSWELL, FIVE HUNDRED DOLLARS DONATED TO COLLECTION OF EXHIBITS FOR STATE FAIR.

NEW MEMBER LUSK, PRESENT

ALL BRIDGES ACROSS PECOS TO BE PAINTED, COUNTY CLERK ALLOWED ADDITIONAL DEPUTY, REQUEST OF MCKWOOD, WELL THAT COUNTY TAKE MATTER OF COMMISSIONERS SALARIES TO THE COURTS, GRANTED AND MATTER WILL BE DECIDED BY THE COURTS.

BE IT REMEMBERED, That on this 4th day of October, A. D. 1915, the Board of County Commissioners of Eddy County, met in regular session, at which meeting the following proceedings were had:

Present: C. W. Beeman, chairman.

V. H. Lusk, Commissioner from district No. 1.

Whit Wright, Commissioner from district No. 2.

R. B. Armstrong, Deputy Sheriff.

A. R. O'Quinn, County Clerk.

The minutes of July 6th, 7th, 8th, 16th, 24th, 30th, and 31st and August 12th, 24th, and September 7th were read and approved.

It was moved and carried that Wm. H. Mullane, be and he hereby is instructed to print 6,000 tax receipts in triplicate as per the form approved by the Traveling Auditor.

T. E. Williams, chairman of the Eddy county state fair committee, having presented a deposit slip from the First National Bank of Carlshad, showing that said committee had collected \$500 from the citizens of Eddy county, for the purpose of paying the expenses of securing exhibits for the Eddy county Exhibit at the state fair at Albuquerque.

It is hereby ordered by the Board that the clerk of this board be and he hereby is instructed to draw a warrant for \$500 payable to the state fair association, as per order passed by this board on July 31st, 1915.

It appearing to the Board that there is more money in the salary fund at this time than is needed to pay the county officers their salaries, and there is a deficiency in the general fund.

It was moved and carried that the treasurer be and he hereby is instructed to transfer from the salary fund the sum of \$5,000 to the credit of the Eddy county general fund.

It is hereby made the order of this board that the county surveyor be and he hereby is instructed to survey and plat the proposed road from Hope to the county line between Chaves and Eddy county, said road to intersect the Roswell-Hope Chaves county road.

The Board having received the following letter to-wit:

S. D. Stennis, Jr., Lawyer, First National Bank Building, Carlshad, New Mexico, August 24, 1915.

Mr. C. W. Beeman, Chairman, Board of County Commissioners, Eddy County, New Mexico.

Dear Sir:—

I request that your body cause suit to be instituted against W. H. Woodwell, and his bondsmen for alleged overpayment of salary.

You are advised that I will enter an appearance for both he and his bondsmen immediately upon the filing of the suit. Mr. Woodwell desires that it be judicially determined in the supreme court as to whether or not there has been an overpayment according to a correct interpretation of the law. He contends that the recent salary bill does not apply to the salary of county commissioners prior to its passage. Mr. Woodwell stands ready to pay if the courts rule against him and has property in this county subject to judgment.

Yours very truly,

S. D. STENNIS, JR.

It is hereby made the order of the Board that the district attorney be and he hereby is instructed to file a suit in the district court against W. H. Woodwell, for the amount that he has drawn in excess of the amount that should have been drawn by him as county commissioner, under the provisions of the county salary law passed by the 1915 state legislature.

It is hereby made the order of this board that the parties heretofore bidding on the tax assessors checking system be allowed to withdraw their bids and that the following be submitted to them so that they may be able to submit propositions on the same basis, to-wit:

Office of Board of County Commissioners, of Eddy County, Carlshad, New Mexico, October 4th, 1915.

Bids will be received, opened and considered at 8 o'clock tonight at the court house of Eddy county, New Mexico, upon a fixed or flat price for the purpose of making or preparing an abstract and assessors checking system, sufficient to cover a period of ten years, thereafter of all property in Eddy county, up to January 1st, 1915, listing same to its proper owner, and furnishing plats of each irregular subdivision or parcel of land the dimensions, shapes, notes and bounds of the same, and the proper legal description thereof endorsed thereon, or an intelligent and available manner and that said abstract and checking system shall be compiled or prepared in some practicable book form upon (Continued on Last Page.)